

US v Jack Carpenter

Case No: 23-20152

(7)

Honorable Mark A. Goldsmith

pg. 1 of 6

United States District Court

Southern Division

Eastern District of Michigan

FILED
MAY 14 2024
CLERK'S OFFICE
DETROIT

Motion to remove counsel for ineffective assistance and laboring on the case during a recognized conflict of interest; Dismiss case for lack of In Personam Jurisdiction to avoid judicial declaration of war

Under 28 USCS § 11654 it is within the trial court's discretion to allow a hybrid defense though generally prohibited as there is no right to a hybrid defense. However, to ignore a motion to remove counsel is an abuse of discretion as the claim that counsel is ineffective creates a conflict of interest. It is unreasonable to require the defendant to claim ineffective assistance of counsel through the very counsel whom is prejudicing the defense.

"The sixth Amendment guarantees the right to effective assistance of counsel, and there is a correlative right to representation that is free from conflicts of interest. A defendant claiming ineffective assistance must show deficient performance and prejudice. However, conflict of interest claims are generally subject to a modified version of the ineffective assistance test. Prejudice is presumed if a defendant shows that a conflict of interest adversely affected his lawyer's performance." *US v Cooper*, 642 Fed. Appx. 514, 6th Circuit

In essence, the defendant must show that:

1. A conflict of interests exists
2. The attorney labored during the conflict of interest
3. The conflict adversely affected the lawyer's performance

To show that any judicial decision made during the conflict of interest should be

reversed, the defendant must show:

pg. 2 of 4

1. A conflict of interests existed
2. The attorney labored during the conflict of interest
3. The judge was aware of the conflict of interest
4. The judge failed to look into the conflict of interest

Since a letter sent from defense attorney states a conflict of interest exists that was filed in court in August 2023, and this was explained in oral testimony in December 2023. It can be shown that a conflict exists, the attorney labored in the case during the conflict, the judge was aware of the conflict, and failed to look into the conflict. This is sufficient to require the reversal of judicial decisions. All that is left to prove ineffective assistance is that it affected the attorney's performance.

The attorney's performance prong can be shown in several ways, such as:

1. Having to ask several times for filings in the case that I still have not received
2. Having to ask several times for updates and documentation regarding appeals that I still have not received
3. Not being informed of court dates
4. The letter stating a conflict of interest exists explaining that if I win the appeal, it proves I am competent, then delaying the appeal claiming that he thought "for sure" the forensic psychiatrist would find me competent, then continuing to delay the appeal after the report claimed that my self-defense claim was "paranoid" while misrepresenting it, and admitting to look at no evidence to support or refute the defense.
5. Preventing any evidence to support my claims from entering on the record or securing witnesses in my favor to show my claims are not delusions
6. Interfering with a challenge to jurisdiction by telling the court to exercise jurisdiction, and then "if" the court finds me competent, then we can look into

whether or not the court had the jurisdiction to look into competency in the first place.

7. Not challenging the government's assertion that religious beliefs are evidence of irrationality.
8. Not challenging the forensic report nor witness testimony blatantly stating that religious beliefs are evidence of mental illness.
9. Not arguing that the existence of the nation I founded is a fact the court must accept on its face, and is not evidence of incompetence.
10. Not showing that my claims regarding the fraud related to the pandemic are provable facts, not delusions.

Any one of those alone are sufficient, in aggregate it is obvious the conflict of interest affected his performance. I would argue it clearly caused prejudice as well, meeting the basic ineffective assistance of counsel prongs without the modified conflict of interest claim as the combined result is that instead of the case being dismissed for lack of jurisdiction, I've been incarcerated for over a year, meeting the first prong of the claim that my right to a speedy trial has been denied, and prejudice is presumed as you approach one year.

For these reasons counsel should be removed from the case, and the judge should exercise sound discretion by hearing this motion regardless of 28 USC § 1654 hybrid defense claims.

Motion to Dismiss

The US Supreme Court has stated in *Brig Amy Warwick*, 67 U.S. 635, March 10, 1863: "War has been well defined to be, 'That state in which a nation prosecutes its right by force.' The parties belligerent in a public war are independent nations.

But it is not necessary to constitute war, that both parties should be acknowledged as independent nations or sovereign states. A war may exist where one of the belligerents, claims sovereign rights against the other... It is so laid down by the best writers on the Law of Nations. A declaration was by one country only, is not a mere challenge to be accepted or refused by the other... It is not necessary that the Independence of the revolted province or State be acknowledged in order to constitute it a party, belligerent in a war according to the Law of Nations... Now it is a proposition never doubted, that the belligerent party who claims to be sovereign, may exercise both belligerent and sovereign rights."

Additionally, "Persons or vessels employed in the service of a self declared government, thus acknowledged to be maintaining its separate existence by war, must be permitted to prove the fact of their being actually employed in such services, by the same testimony which would be sufficient to prove that such vessel or person was employed in the service of an acknowledged state." *U.S. v Palmer*, 1818 U.S. LEXIS 380, Supreme Court, March 14, 1818

Since it is my nation which I formed as a separate political entity, not the US government, which determines its existence and Independence, and the US government is without judicial recourse to the declaration of war contained within the declaration of sovereignty, the court must accept the nation's existence ~~and~~ and allow me to prove that I am the Head of State. This is basic Law of Nations, well established as law, and not a delusion nor "seemingly irrational" as the judge has claimed.

In the case *The Schooner Exch. v. McFaddon*, 11 U.S. 116, March 2, 1812, the common law rule regarding sovereign immunity of a foreign head of state is explained in detail. "In the present case he appears in his sovereign character... and in such case no consent to submit to the ordinary tribunals of the

Country can be implied... it cannot be implied where the Law of Nations is unchanged - nor where the implication is destructive of the independence, the equality or the dignity of the sovereign... Law requires the consent of the sovereign, either express or implied, before he can be subjected to a foreign jurisdiction... The Law of Nations excludes the implications and presumption in every case where the sovereignty is concerned - as

1. In the case of an ambassador

2. Of the Sovereign himself

If the courts of the United States should exercise such a jurisdiction - It will amount to a judicial declaration of war... [US] Sovereignty is absolute and universal, this is the general rule. But it is contended there is an exception in four cases

1. As to the person of the sovereign...

4. As to his property...

The simple fact of this case is, that an individual is seeking, in the ordinary course of justice, redress against the act of a foreign Sovereign. But the rights of a foreign Sovereign cannot be subjected to a foreign tribunal. He is supposed to be out of the country, although he may happen to be in it. If a foreign Sovereign be found in the territory, he is not liable to ordinary jurisdiction... Sovereigns are equal. It is the duty of a Sovereign, not to submit his rights to decision of a co-sovereign. He is the sole arbiter of his own rights. He acknowledges no superior, but God alone. To his equals he shows respect, but not submission.

The entire point of the last 15 months of this kangaroo court show is to prevent that argument from being within judicial notice. This includes

the behavior of counsel. This is a violation of the law of Nations and Law of War, and amounts to the judicial branch committing an act of war in violation of the Law of Nations. For this reason the case should be dismissed for lack of In Personam Jurisdiction.

I certify this motion is 6 pages in length.

Josh C. Cramer

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The writer of this letter
is an inmate in the
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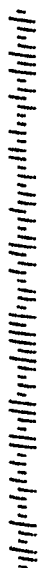
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